

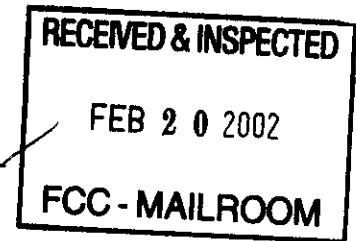
044

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20024

In the Matter of:

)
)
Amendment of Section 73.202(b))
Table of Assignments for
FM Broadcast Stations
Wickenburg, Arizona and
Salome, Arizona)

MM Doc # 100-345
R 11710344



To: The Commission

REQUEST FOR ACCEPTANCE OF
LATE FILED COMMENTS

Kevin M. Fitzgerald, requests that his "Comments" to a Notice of Proposed Rulemaking which seeks to substitute Channel 242C for Channel 242C3 at Wickenburg, Arizona and Channel 270A for Channel 241A at Salome, Arizona be accepted even though filed one day late. These "Comments" were filed late because of confusion over use of the EDOCS system and whether or not the "Commision" was accepting any mail and at which address mail should be sent (thus the reason for relying on the FCC's EDOCS system). Mr. Fitzgerald was unaware and misled by information on the FCC's website relating to which "Comments" could be filed on the FCC website. Mr. Fitzgerald attempted to timely file these "Comments" and could not as these "Comments" are not allowed to be filed at EDOCS (when filing, EDOCS messaged Mr. Fitzgerald of this fact). Mr. Fitzgerald was unaware of this. Mr. Fitzgerald will attempt to timely file these via fax on 2/11/02. A copy was also sent to the original petitioner's counsel as instructed in the NPRM. The address used for these "Comments" to be sent to the Commission was the one indicated in the NPRM. These "Comments" only seek to improve the allotment choice for Salome, AZ

by proposing a better replacement frequency for the new Salome allotment, Channel 224A.

Kevin M. Fitzgerald presents these Comments to a Notice of Proposed Rulemaking to
arrange allotments in such a way as to provide improved service to the local communities
involved.

Respectfully submitted,



2/10/02

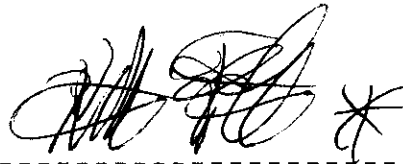
Kevin M. Fitzgerald
P.O. Box 20155
Scranton, PA 18502
570-207-8558

RECEIVED
FEB 22 2 31 PM '02
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20541

CERTIFICATE OF SERVICE-

I, Kevin M. Fitzgerald, do hereby certify that copies of the foregoing "Request for Acceptance of Late Filed Comments" have been served by U.S. Mail, postage prepaid this 11th day of February, 2002 upon the following:

Lee J. Peltzman, ESQ.
Shainis and Peltzman, Chartered
1850 M Street, N.W., Suite 240
Washington, DC 20036

A handwritten signature in black ink, appearing to be 'Kevin M. Fitzgerald', with a large asterisk-like flourish at the end. The signature is written over a dashed horizontal line.

Kevin M. Fitzgerald

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20024

In the Matter of:

Amendment of Section 73.202(b)
Table of Assignments for
FM Broadcast Stations
Wickenburg, Arizona and
Salome, Arizona

)
)
)
)
)
)

MM Docket No 01-345
RM 10344

To: The Commission

COMMENTS

Kevin M. Fitzgerald, (hereinafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, respectfully presents "Comments" to a Notice of Proposed Rulemaking which seeks to substitute Channel 242C for Channel 242C3 at Wickenburg, Arizona and Channel 270A for Channel 241A at Salome, Arizona. The petitioner here has expressed his previous interest in applying for the new allotment at Salome during the Comment period for Auction #37 which was postponed late in 2001. The petitioner again states his continuing interest in the new allotment at Salome and that he will bid on this allotment in the upcoming but postponed Auction #37 and build and operate a new station at Salome if he were to win the bidding for this allotment.

These comments are being provided because the petitioner does not agree with Circle S Broadcasting Co., Inc.'s (hereinafter "Circle S") choice for a replacement allotment at Salome, mainly the use of Channel 270A at Salome. The petitioner here understands the reasoning behind Circle S's petition to upgrade its station KSWG to a higher class channel. KSWG would provide the fast growing Wickenburg area and its surrounding communities with much improved service. This would be in the public

FILED
FEB 2 2 36 PM '01
FBI

interest. The petitioner here requests an alternate channel to be allotted to Salome than the one provided by Circle S. To allow for KSWG's upgrade from Channel 242C3 to Channel 242C Salome's allotted channel must be changed. The petitioner here requests the allotment of Channel 224A (92.7 MHz) instead of the proposed replacement Channel 270A. Channel 224A can be allotted to Salome with imposition of a site restriction 8.9 km Southeast. The petitioner, Kevin M. Fitzgerald searched for potential transmitter sites to locate a new station at Salome in April of 2001. In his research it was discovered that the best site locations for a new Salome station were between Salome and Interstate 10 which runs east-west approximately 20 km south of Salome. In light of this, Channel 270A would be short-spaced at the sites the petitioner would like to locate this new station at on Channel 270A. This short-spacing is to a Class C allotment in Sonoyta, Sonora, Mexico which might invoke Mexico-US treaty issues. Thus, sites for Channel 270A that are south of Salome might prove to be infeasible in light of border issues. Even though Channel 270A is fully spaced to existing stations at the same site reference coordinates as Channel 241A was, it has a much smaller area to locate than Channel 241A. Channel 241A had the capability to be located south of Salome between Salome and Interstate 10. Channel 224A also allows the favorable southern site locations. The reference coordinates for Channel 224A at Salome are 33-42-19 N. Lat. and 113-34-58 W. Long. This site is 8.9 km southeast of Salome. This site easily provides 70 dBu service to Salome. At these reference coordinates approximately 60 km of Interstate 10 would receive 60 dBu of signal coverage from a new Salome station. Without this coverage of Interstate 10 (the main corridor between Phoenix, AZ and Southern California), the Salome station would be

RECEIVED
FBI
JAN 2 2 30 PM '02

economically infeasible. Included here is a condensed allocations study for Channel 224A at Salome, AZ at 33-42-19 N. Lat. and 113-34-58 W. Long:

Calls	City	Channel	Dist.	Req.D.	Spacing
KKFR	Glendale, AZ	222C	147.1	95	52.2
KRCY	Dolan Springs, AZ	224C	226	226	0
KAFF-FM	Flagstaff, AZ	225C	236.9	165	71.9
KDKB	Mesa, AZ	227C	147.3	95	52.3
KLNZ	Glendale, AZ	278C	93.8	28	65.8

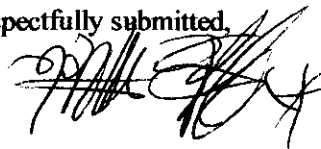
All of the distances noted above are in kilometers. It should be noted that numerous allotment changes have occurred to Channel 224 in Northwest Arizona. An allotment to Lake Havasu City, AZ was changed away from Channel 224 and Station KRCY was originally a Class C1 at Kingman, AZ and was changed to a Class C at Dolan Springs, AZ; moving it substantially further away from Salome. The change to KRCY from Kingman to Dolan Springs is what caused this allotment area to occur. The proposed allotment change would thus be:

<u>Community</u>	<u>Channel #'s</u>	
	<u>Present</u>	<u>Proposed</u>
Wickenburg, Arizona	242C3	242C
Salome, Arizona	241A	224A

CONCLUSION

This proposal will serve the public interest by providing Salome, Arizona with its first local service, Channel 224A, a local service that could cover the important Interstate 10 corridor south of Salome, thus being economically feasible, while also allowing Station KSWG to provide greatly improved service on Channel 242C to Wickenburg, Arizona and its surrounding area. In conclusion, Kevin M. Fitzgerald presents these Comments to a Notice of Proposed Rulemaking to arrange allotments in such a way as to provide improved service to the local communities involved, which will result in a greater benefit to the public.

Respectfully submitted,



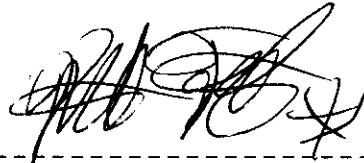
2/10/02

Kevin M. Fitzgerald
P.O. Box 20155
Scranton, PA 18502
570-207-8558

CERTIFICATE OF SERVICE-

I, Kevin M. Fitzgerald, do hereby certify that copies of the foregoing "Comments to a Notice of Proposed Rule Making" have been served by U.S. Mail, postage prepaid this 10th day of February, 2002 upon the following:

Lee J. Peltzman, ESQ.
Shainis and Peltzman, Chartered
1850 M Street, N.W., Suite 240
Washington, DC 20036

A handwritten signature in black ink, appearing to read 'Kevin M. Fitzgerald', is written over a horizontal dashed line.

Kevin M. Fitzgerald